

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA :

v. :

JENNIFER ROWE, :

Defendant. :

AFFIRMATION

07 Cr. 771 (PAC)

-----X

I, Jennifer Rowe, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746,
that:

1. I am the defendant in the above-captioned case, and I make this affirmation in support of a motion pursuant to Federal Rules of Criminal Procedure 12 and 41 to suppress custodial statements obtained by law enforcement authorities in violation of my rights under the United States Constitution. Since the purpose of this affirmation is to demonstrate that my constitutional rights were violated, my attorney has advised me that it is not necessary to include every detail of what occurred, and I have not done so.

2. On September 20, 2007, I was arrested at my home in Mount Vernon by agents with the immigration service. I had never been arrested before.

3. The day of my arrest, I was not feeling well. I am fifty years old, and I was formally diagnosed with Type II diabetes in about 2001. To treat my diabetes, I am supposed to take two 500 ml doses of a medicine called Glucophage every day. I do not like taking this medication, because I believe it has serious negative side effects. As a result, I often do not take the medication.

4. On the day of my arrest, I had not taken any Glucophage for three days or more. My eyes were blurry, making it difficult for me to see, and I had palpitations in my heart. I was also suffering from diabetic neuropathy, which causes a painful tingling in my legs, hands, and head.

5. After my arrest, one of the agents asked me if I was taking any medication. I told him that I was supposed to take Glucophage for my diabetes. I also told him that my prescription had run out and I did not have any more of this medication.

6. After the agents arrested me, they drove me to 26 Federal Plaza in Manhattan. The drive took approximately one hour, and the agents asked me questions during the drive. In particular, I remember one of the agents asking me when Seck had contacted me last and what Seck had said to me during these calls. The agent also asked me about a person named Zongo. I made a number of statements in response to the agent's questions.

7. After we arrived at 26 Federal Plaza, the agents advised me of my Miranda rights. This was the first time that I was informed of my rights. I was not informed of my rights before I made the statements to the agents in the car.

8. Once I had been informed of my rights, I signed a form waiving my rights. The next thing I remember is that the agents took me to the hospital to receive treatment for my diabetes. We arrived at the hospital at about 9:30 A.M. The nurse tested my blood sugar level and my blood pressure level, which were both very high. I remember that my blood sugar level was approximately three times what it should have been. The hospital did not release me until about 2 P.M. or 2:30 P.M., when my blood sugar and blood pressure returned to acceptable levels.

9. While we were at the hospital, the agents continued questioning me. Specifically, I

remember them questioning me about money orders from applicants and about where I had learned of the LULAC program. As a result, I made additional statements in response to their questions.

10. During the time that I was in the hospital, I continued to not feel well. In addition to the symptoms described above, my body felt clammy and shaky, and I was experiencing painful leg cramps. I had not had anything to eat since 7 or 8 o'clock the previous evening.

11. Based on my conversations with my lawyer, I believe my rights under the United States Constitution were violated as a result of the agents' questioning.

WHEREFORE, it is respectfully requested that this Court enter an order suppressing statements.

I declare under penalty of perjury that the foregoing is true and accurate.

Dated: New York, New York
December 18, 2007



JENNIFER ROWE